

## **Remarks**

### **Statement Under 37 CFR 1.111**

Amendments to a number of claims are included in the response to the 28 April 2009 Office Action. The Assignee notes that the amendments were made to obviate the objections contained in the 28 April 2009 Office Action. The Assignee notes that many if not all the requested changes to the claims do not appear to be required as the meaning of the pending claims was clear by implication and/or was reasonably ascertainable (see *Halliburton Energy Services, Inc. v. M-I LLC*, 514 F.3d 1244, 1255, 85 USPQ2d 1663 (Fed. Cir. 2008) and *Halliburton*, 514 F.3d at 1246, 85 USPQ2d at 1658 (Citing *Biomedino, LLC v. Waters Techs. Corp.*, 490 F.3d 946, 950 (Fed. Cir. 2007))). Furthermore, the Assignee notes that the “aspects of financial performance” are specifically listed in the independent claims.

### **Reservation of rights**

The Assignee hereby explicitly reserves the right to present the previously modified and/or canceled claims for re-examination in their original format. The cancellation or modification of pending claims to put the instant application in a final form for allowance and issue should not to be construed as a surrender of subject matters covered by the original claims before their cancellation or modification.

### **Conclusion**

The pending claims are of a form and scope for allowance. Prompt notification thereof is respectfully requested.

Respectfully submitted,

Asset Trust, Inc.

/B.J. Bennett/

B.J. Bennett, President

Date: June 11, 2009